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31013 7590 04/11/2011
KRAMER LEVIN NAFTALIS & FRANKEL LLP
INTELLECTUAL PROPERTY DEPARTMENT
1177 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER

VANDERHORST, MARIA VICTORIA

ART UNIT

PAPER NUMBER

3688

DATE MAILED: 04/11/2011

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/824,935 04/15/2004

Steven Freiberg

318-444

7562

TITLE OF INVENTION: CREDIT CARD REWARDS PROGRAM SYSTEM AND METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	07/11/2011

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

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B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

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B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

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NEW YORK, NY 10036

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(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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nonprovisional	NO	\$1510	\$300	\$0	\$1810	07/11/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
VANDERHORST, MARIA VICTORIA	3688	705-014000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB-112) attached;

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB-47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

1

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.111. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reuply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

☐ a. Applicant claims **SMALL ENTITY** status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming **SMALL ENTITY** status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,935	04/15/2004	Steven Freiberg	3184/44	7562

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VANDERHORST, MARIA VICTORIA

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3688

DATE MAILED: 04/11/2011

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1001 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1001 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability**Application No.**

10/824,935

Applicant(s)

FREIBERG, STEVEN

Examiner

VICTORIA VANDERHORST

Art Unit

3688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/16/2010.
2. ☒ The allowed claim(s) is/are 1-43, 46-48, 50, and 53-69.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/JOHN G. WEISS/
Supervisory Patent Examiner, Art Unit 3688

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a personal interview with Aaron S. Haleva on Mar. 15/2011 (See attached fax) .

The application has been amended as follows:

In the claims:

1. (Currently Amended) A computerized method for rewarding use of a payment product by the payment product holder, the method comprising the steps of:

(a) issuing a payment product from an issuer to a holder, said payment product representing funds available to said holder, said payment product providing means of payment for at least one purchase transaction by said holder,

(b) comparing said at least one purchase transaction using said payment product with pre-defined rewards eligibility criteria of said issuer to determine whether said at least one purchase transaction is a qualifying purchase transaction in compliance with said pre-defined rewards eligibility criteria, said comparing being performed by a data processor;

(c) calculating and storing a first value redeemable by said holder for at least one benefit based on said at least one purchase transaction when said at least one purchase transaction is a qualifying purchase transaction, said calculating and storing being performed by a data processor;

(d) determining one or more travel distance associated with said qualifying purchase transaction and calculating and storing ~~an additional~~ a second value redeemable by said holder for said at least one benefit based on said determined travel distances, said calculating and storing being performed by a data processor, and

(e) providing access to said stored value and said stored additional value to said holder to facilitate redemption of at least a part of at least one of said first value and said ~~additional~~ second value ~~for said at least one benefit~~,

wherein said pre-defined rewards eligibility criteria provide that a qualified purchase transaction is a transaction in which a ticket or a travel pass for any of various authorized travel modes is purchased, said authorized travel modes including at least two of air, water, bus, vehicle and locomotive.

2. (Original) The method according to claim 1, wherein said payment product is at least one of a credit card, a debit card, a bank card, a smart card, and an automated teller machine card.

3. (Original) The method according to claim 1, wherein said qualifying purchase transaction includes the purchase of at least one of goods and services from any provider thereof.

4. (Original) The method according to claim 1, further comprising the step of presenting said at least one benefit for selection by said holder in a catalog including at least one of goods and services.

5. (Original) The method according to claim 4, wherein said at least one benefit is selected from a provider of at least one of goods and services different from a provider of at least one of goods and services associated with said qualifying purchase transaction.

6. (Original) The method according to claim 4, wherein said at least one benefit includes at least one of goods and services that are travel-related.

7. (Original) The method according to claim 6, wherein said at least one benefit is at least one of free and discounted travel on a carrier of said holder's choosing.

8. (Original) The method according to claim 6, wherein said at least one benefit is at least one of free and discounted travel to a destination of said holder's choosing.

9. (Original) The method according to claim 6, wherein said at least one benefit is at least one of free and discounted lodging of said holder's choosing.

10. (Original) The method according to claim 4, wherein said catalog is provided over a global computer network.

11. (Original) The method according to claim 10, wherein said global computer network is the Internet.

12. (Currently amended) The method according to claim 1, further comprising the step of fulfilling a request by said holder to redeem said at least a part of at least one of said first value and said ~~additional~~ second value ~~for said at least one benefit~~.

13. (Currently amended) The method according to claim 12, wherein said step of fulfilling a request by said holder to redeem at least part of said at least one of said first value and said ~~additional~~ second value ~~for said at least one benefit~~ is effected by at least one of said issuer and a fulfillment representative of said issuer.

14. (Previously presented) The method according to claim 1, further comprising the step of obtaining Level 3 Data associated with said qualifying purchase transaction, and wherein said step of determining a travel distance associated with said at least one travel ticket is based on said Level 3 Data.

15. (Original) The method according to claim 14, wherein said Level 3 Data is obtained together with transaction data associated with said qualifying purchase transaction.

16. (Original) The method according to claim 14, wherein individual legs of a trip associated with each travel ticket purchased with said payment product are accounted for using said Level 3 Data.

17. (Currently amended) The method according to claim 12, wherein said value and said additional value are accruable in an accrued rewards value balance, and wherein said step of fulfilling a request by said holder to redeem said at least a part

of at least one of said first value and said ~~additional~~ second value ~~for said at least one benefit~~ is effected when said accrued rewards value balance is at least one of equal to and greater than a pre-selected threshold amount associated with said at least one benefit.

18. (Currently Amended) A computerized method for effecting a rewards program based on use of a payment product, the method comprising the steps of:

(a) retrieving payment product data associated with a payment product issued by an issuer to a holder, said payment product data including a holder identification and an accrued rewards value balance,

(b) retrieving transaction data associated with at least one purchase transaction using said payment product,

(c) comparing said transaction data against pre-defined rewards eligibility criteria to determine whether said at least one purchase transaction using said payment product is a qualifying purchase transaction in compliance with said pre-defined rewards eligibility criteria, said comparing being performed by a data processor,

(d) calculating a first value redeemable by said holder for at least one benefit based on said at least one purchase transaction when said at least one purchase transaction using said payment product is a qualifying purchase transaction, said calculating being performed by a data processor,

(e) retrieving travel-related purchase data associated with travel-related purchases included in said qualifying purchase transaction,

(f) determining from said travel-related purchase data one or more a travel distances associated with said qualifying purchase transaction and calculating ~~an additional~~ **a second** value redeemable by said holder for said at least one benefit based on said determined travel distances, said determining and calculating being performed by a data processor,

(f) updating said accrued rewards value balance based on at least one of said calculated **first** value and said calculated ~~additional~~ **second** value,

(g) comparing said accrued rewards value balance against a pre-selected threshold amount associated with said at least one benefit to ascertain whether said accrued rewards value balance is sufficient to entitle said holder to receive said at least one benefit, said comparing being performed by a data processor, and

(h) providing said holder with access to said accrued rewards value balance to facilitate redemption of at least a part of said accrued rewards value balance for said at least one benefit,

wherein said pre-defined rewards eligibility criteria provide that a qualified purchase transaction is a transaction in which a ticket or a travel pass for any of various authorized travel modes is purchased, said authorized travel modes including at least two of air, water, bus, vehicle and locomotive.

19. (Currently amended) The method according to claim 18, further comprising the steps of receiving a request by said holder to redeem at least a part of said accrued rewards value balance for said at least one benefit, deducting any

redeemed first value and second additional value from said accrued rewards value balance, and fulfilling said request.

20. (Original) The method according to claim 19, wherein said step of fulfilling said request is effected by at least one of said issuer and a fulfillment representative of said issuer.

21. (Original) The method according to claim 18, wherein said payment product is at least one of a credit card, a debit card, a bank card, a smart card, and an automated teller machine card.

22. (Original) The method according to claim 18, wherein said qualifying purchase transaction includes the purchase of at least one of goods and services from any provider thereof.

23. (Currently Amended) The method according to claim 18, further comprising the step of presenting said at least one benefit for selection by said holder in a catalog including at least one of goods and services.

24. (Original) The method according to claim 23, wherein said at least one benefit is selected from a provider of at least one of goods and services different from a provider of at least one of goods and services associated with said qualifying purchase transaction.

25. (Original) The method according to claim 23, wherein said at least one benefit includes at least one of goods and services that are travel-related.

26. (Original) The method according to claim 25, wherein said at least one benefit is at least one of free and discounted travel on a carrier of said holder's choosing.

27. (Original) The method according to claim 25, wherein said at least one benefit is at least one of free and discounted travel to a destination of said holder's choosing.

28. (Original) The method according to claim 25, wherein said at least one benefit is at least one of free and discounted lodging of said holder's choosing.

29. (Original) The method according to claim 23, wherein said catalog is provided over a global computer network.

30. (Original) The method according to claim 29, wherein said global computer network is the Internet.

31. (Original) The method according to claim 18, wherein said travel-related purchase data is Level 3 Data.

32. (Original) The method according to claim 31, wherein individual legs of a trip associated with each travel ticket purchased with said payment product are accounted for using said Level 3 Data.

33. (Currently Amended) A computerized system for rewarding use of a payment product by the payment product holder, the system comprising:

a payment product issued from an issuer to a holder, said payment product representing funds available to said holder, said payment product providing means of payment for at least one purchase transaction by said holder,

at least one data processor adapted to (i) compare said at least one purchase transaction using said payment product with pre-defined rewards eligibility criteria of said issuer to determine whether said at least one purchase transaction is a qualifying purchase transaction in compliance with said pre-defined rewards eligibility criteria, (ii) calculate and store a first value redeemable by said holder for at least one benefit based on said at least one purchase transaction when said at least one purchase transaction is a qualifying purchase transaction, (iii) determine one or more travel distances associated with said qualifying purchase transaction, and calculate and store ~~an additional~~ a second value redeemable by said holder for said at least one benefit based on said determined travel distances, and

provide access to said stored first value and said stored ~~additional~~ second value to said holder to facilitate redemption of at least a part of at least one of said first value and said ~~additional~~ second value ~~for said at least one benefit,~~

wherein said pre-defined rewards eligibility criteria provide that a qualified purchase transaction is a transaction in which a ticket or a travel pass for any of various authorized travel modes is purchased, said authorized travel modes including at least two of air, water, bus, vehicle and locomotive.

34. (Original) The system according to claim 33, wherein said payment product is at least one of a credit card, a debit card, a bank card, a smart card, and an automated teller machine card.

35. (Original) The system according to claim 33, wherein said qualifying purchase transaction includes the purchase of at least one of goods and services from any provider thereof.

36. (Original) The system according to claim 33, further comprising a catalog including at least one of goods and services for presenting said at least one benefit for selection by said holder.

37. (Original) The system according to claim 36, wherein said at least one benefit is selected from a provider of at least one of goods and services different from a provider of at least one of goods and services associated with said qualifying purchase transaction.

38. (Original) The system according to claim 36, wherein said at least one benefit includes at least one of goods and services that are travel-related.

39. (Original) The system according to claim 38, wherein said at least one benefit is at least one of free and discounted travel on a carrier of said holder's choosing.

40. (Original) The system according to claim 38, wherein said at least one benefit is at least one of free and discounted travel to a destination of said holder's choosing.

41. (Original) The system according to claim 38, wherein said at least one benefit is at least one of free and discounted lodging of said holder's choosing.

42. (Original) The system according to claim 36, wherein said catalog is provided over a global computer network.

43. (Original) The system according to claim 42, wherein said global computer network is the Internet.

44-45. (Canceled)

46. (Previously presented) The system according to claim 33, wherein said at least one data processor is adapted to receive and utilize Level 3 Data associated with said qualifying purchase transaction for determining said travel distance associated with said at least one travel ticket.

47. (Previously presented) The system according to claim 46, wherein said at least one data processor is adapted to account for individual legs of a trip associated with each travel ticket purchased with said payment product using said Level 3 Data.

48. (Previously presented) The system according to claim 33, wherein said value and said additional value accumulated and unredeemed by said holder are stored in an accrued rewards value balance.

49. (Canceled)

50. (Currently Amended) A computerized system for effecting a rewards program based on use of a payment product, the system comprising:

at least one data processor adapted to (i) retrieve payment product data associated with a payment product issued by an issuer to a holder, said payment product data including a holder identification and an accrued rewards value balance,

(ii) retrieve transaction data associated with at least one purchase transaction using said payment product,

(iii) compare said transaction data against pre-defined rewards eligibility criteria to determine whether said at least one purchase transaction using said payment product is a qualifying purchase transaction in compliance with said pre-defined rewards eligibility criteria,

(iv) calculate a first value redeemable by said holder for at least one benefit based on said at least one purchase transaction when said at least one purchase transaction using said payment product is a qualifying purchase transaction,

(v) retrieve travel-related purchase data associated with travel-related purchases included in said qualifying purchase transaction,

(vi) determine one or more travel distances associated with said qualifying purchase transaction, and calculate and store ~~an additional~~ a second value redeemable by said holder for said at least one benefit based on said determined travel distances,

(vii) update said accrued rewards value balance based on at least one of said calculated first value and said calculated ~~additional~~ second value,

(viii) compare said accrued rewards value balance against a pre-selected threshold amount associated with said at least one benefit to ascertain whether said

accrued rewards value balance is sufficient to entitle said holder to receive said at least one benefit, and

(ix) provide said holder with access to said accrued rewards value balance to facilitate redemption of at least a part of said accrued rewards value balance for said at least one benefit,

wherein said pre-defined rewards eligibility criteria provide that a qualified purchase transaction is a transaction in which a ticket or a travel pass for any of various authorized travel modes is purchased, said authorized travel modes including at least two of air, water, bus, vehicle and locomotive.

51-52. (Canceled)

53. (Original) The system according to claim 50, wherein said payment product is at least one of a credit card, a debit card, a bank card, a smart card, and an automated teller machine card.

54. (Original) The system according to claim 50, wherein said qualifying purchase transaction includes the purchase of at least one of goods and services from any provider thereof.

55. (Original) The system according to claim 50, further comprising a catalog including at least one of goods and services for presenting said at least one benefit for selection by said holder.

56. (Original) The system according to claim 55, wherein said at least one benefit is selected from a provider of at least one of goods and services different

from a provider of at least one of goods and services associated with said qualifying purchase transaction.

57. (Original) The system according to claim 55, wherein said at least one benefit includes at least one of goods and services that are travel-related.

58. (Original) The system according to claim 57, wherein said at least one benefit is at least one of free and discounted travel on a carrier of said holder's choosing.

59. (Original) The system according to claim 57, wherein said at least one benefit is at least one of free and discounted travel to a destination of said holder's choosing.

60. (Original) The system according to claim 57, wherein said at least one benefit is at least one of free and discounted lodging of said holder's choosing.

61. (Original) The system according to claim 55, wherein said catalog is provided over a global computer network.

62. (Original) The system according to claim 61, wherein said global computer network is the Internet.

63. (Original) The system according to claim 50, wherein said travel-related purchase data is Level 3 Data.

64. (Previously presented) The system according to claim 63, wherein said at least one data processor is adapted to account for individual legs of a trip

associated with each travel ticket purchased with said payment product using said Level 3 Data.

65. (Currently amended) A computer program product comprising a computer usable physical medium storing a computer executable program to:

(a) compare at least one purchase transaction effected using a payment product issued to a holder from an issuer against pre-defined rewards eligibility criteria of said issuer to determine whether said at least one purchase transaction is a qualifying purchase transaction in compliance with said pre-defined rewards eligibility criteria,

(b) calculate and store a first value redeemable by said holder for at least one benefit based on said at least one purchase transaction when said at least one purchase transaction is a qualifying purchase transaction,

(c) determine one or more travel distances associated with said qualifying purchase transaction, and calculate and store ~~an additional~~ a second value redeemable by said holder for said at least one benefit based on said determined travel distances, and

(d) provide access to said value and said ~~additional~~ second value to said holder to facilitate redemption of at least a part of at least one of said first value and said ~~additional~~ second value for said at least one benefit,

wherein said pre-defined rewards eligibility criteria provide that a qualified purchase transaction is a transaction in which a ticket or a travel pass for any of various

authorized travel modes is purchased, said authorized travel modes including at least two of air, water, bus, vehicle and locomotive.

66. (Previously presented) The computer program product of claim 65, wherein said payment product is at least one of a credit card, a debit card, a bank card, a smart card, and an automated teller machine card.

67. (Previously presented) The computer program product of claim 65, wherein said determination of said travel distance associated with said at least one travel ticket is based on Level 3 Data associated with said qualifying purchase transaction.

68. (Previously presented) The computer program product of claim 67, wherein individual legs of a trip associated with each travel ticket purchased with said payment product are accounted for using said Level 3 Data.

69. (Currently amended) The computer program product of claim 65, wherein said **first** value and said ~~additional~~ **second** value are accruable in an accrued rewards value balance, and wherein fulfillment of a request by said holder to redeem said at least a part of at least one of said **first** value and said ~~additional~~ **second** value ~~for said at least one benefit~~ is effected when said accrued rewards value balance is at least one of equal to and greater than a pre-selected threshold amount ~~associated with said at least one benefit~~.

70. Canceled.

Reasons for allowance

2. The following is an examiner's statement of reasons for allowance:

Regarding the claimed terms, the Examiner notes that a "general term must be understood in the context in which the inventor presents it." *In re Glaug* 283 F.3d 1335, 1340, 62 USPQ2d 1151, 1154 (Fed. Cir. 2002). Therefore the Examiner must interpret the claimed terms as found on pages 1- 15 of the specification. Clearly almost all the general terms in the claims may have multiple meanings. So where a claim term "is susceptible to various meanings, . . . the inventor's lexicography must prevail" *Id.* Using these definitions for the claims, the claimed invention was not reasonably found in the prior art.

The closest prior art of record is 6,609,658 to Sehr. Sehr describes a travel system and method to be used thought the travel industry, including by passenger, providers of travel services and transportation. His system offers a payment product for a cardholder. **However, Sehr fails to teach at least** "determining one or more travel distances associated with said at least one qualifying purchase transaction by comparing the city of origin and the city of destination" or "calculating a number of redeemable rewards points for each of said determined travel distances, and not on the monetary value of the underlying qualifying purchases, and storing a value redeemable by said holder for at least one benefit based on the sum of said rewards points for Said determined travel distances".

Further, Sehr does not teach a reward system where the reward is a function of the distance associated with the purchased travel passage, irrespective of how much that passage for that distance cost.

Moreover, Sehr does not teach a rewards system where points are calculated for each travel distance associated with each qualifying purchase, and summing those points to determine a benefit to the user.

Moreover, the missing claimed elements from Sehr are not found in a reasonable number of reference(s).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

"Alaska airlines and Rainier National Bank are joining forces to link frequent flyer mileage to purchases made on a new visa card". Business Editor/ travel writers. May 5, 1987. This article discusses a company that rewards travelers that use the Visa and receives miles credit for all the travel expenses such as airline tickets, hotels accommodation, car rentals and other purchases, and also in addition get credit

for the miles flown on the trip., when the requirements are met such as to use a visa card from Rainier Bank and book a fly with Alaska Airlines.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. VICTORIA VANDERHORST whose telephone number is (571)270-3604. The examiner can normally be reached on regular hours from 9:00 AM to 4:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571 272 6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. VICTORIA VANDERHORST/

Examiner, Art Unit 3688

Mar. 24/2011

/JOHN G. WEISS/

Supervisory Patent Examiner, Art Unit 3688